

UNITED STATES DISTRICT COURT

for the

Eastern District of Oklahoma

United States of America

v.

LAURENCE ROBERT RHEA

A/K/A Bob Rhea

Date of Original Judgment: April 2, 2008

Date of Previous Amended Judgment: _____

(Use Date of Last Amended Judgment if Any)

Case No: CR-07-00065-001-RAWUSM No: 04653-063

Pro se

Defendant's Attorney

**ORDER REGARDING MOTION FOR SENTENCE REDUCTION
PURSUANT TO 18 U.S.C. § 3582(c)(2)**

Upon motion of ☒ the defendant ☐ the Director of the Bureau of Prisons ☐ the court under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion, and taking into account the policy statement set forth at USSG §1B1.10 and the sentencing factors set forth in 18 U.S.C. § 3553(a), to the extent that they are applicable,

IT IS ORDERED that the motion is:

☒ **DENIED.** ☐ **GRANTED** and the defendant's previously imposed sentence of imprisonment (as reflected in the last judgment issued) of _____ months **is reduced to** _____.

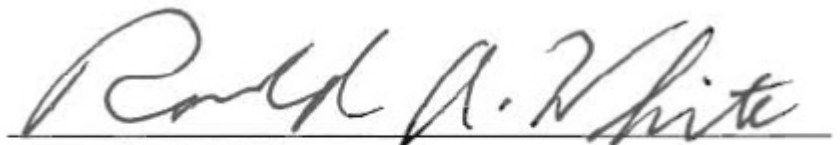
(Complete Parts I and II of Page 2 when motion is granted)

A review of Mr. Rhea's guideline computations, pursuant to the United States Sentencing Commission's retroactive Guideline Amendment 750, reflects a reduction in the total offense level applicable to the quantity of cocaine base involved in this case (87.36 grams), to an offense level of 23. Based on an offense level of 23 and a criminal history category of IV, the amended guideline imprisonment range is 70 to 87 months; however, the Tenth Circuit has held that the provisions of the Fair Sentencing Act are not retroactive, which results in a required minimum term of imprisonment in this case of 120 months. See *United States v. Lewis*, 625 F.3d 1224, 1228 (10th Cir. 2010). Based on this ruling by the Tenth Circuit, Mr. Rhea is not eligible for further reduction in the term of imprisonment imposed on April 2, 2008.

Except as otherwise provided, all provisions of the judgment dated April 2, 2008 shall remain in effect.

IT IS SO ORDERED.Order Date: April 25, 2012

Effective Date: _____
(if different from order date)



Ronald A. White

United States District Judge

Eastern District of Oklahoma